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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,285	01/23/2002	Makoto Warashina	S011-4532	7544

7590

03/13/2003

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EXAMINER

ALIE, GHASSEM

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/055,285

Applicant(s)

WARASHINA ET AL.

Examiner

Ghassem Alie

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01/23/02 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higashi et al. (6,021,630), hereinafter Higashi in view of Ballas, Sr. (4,282,652), herein after Ballas. Regarding claims 1, Higashi teaches a bush cutting machine 10 having a pipe-shaped operation rod 15, a prime mover 13 (an engine) mounted to a proximal end of the operation rod, a drive shaft 16 (a transmission shaft) extending through the operation rod 15 and driven by the prime mover 13, a cutter 14 provided at a distal end of the operation rod 15 and rotated by the drive shaft 16, a bar-shaped handle 17 fixed to an arbitrary position of the operation rod 15 between the prime mover 13 and the cutter 14, and wherein a right grip 20 (a lever unit) and a left grip 18 mounted to distal ends of the handle 17. See Figs. 1 and 2 and col. 3, lines 24-52 in Higashi. Higashi does not expressly teach that each grip is mounted in a position in close proximity to the center of gravity. However, mounting a grip or grips of a handle in close proximity of the center of gravity is well known in the art as taught by Ballas. Ballas teaches a handle assembly 21 connected to a rod 12 having grips 26,29 mounted in close proximity to the center of gravity. See Figs. 1 and 2 and col. 4, lines 15-26 in Ballas. It would have been obvious to one of ordinary skill in the art to mount the grips of Higashi's bush cutting machine close to center of gravity as taught by Ballas in order to provide a balanced control for the cutting machine during use.

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Regarding claim 2, Higashi teaches everything noted above including the right grip 20 having escape portions (defined by the hallow portions between the handle 17 and lower case 29 shown in Fig. 3 in Higashi) except mount portions (defined by the area of lower section of the lower case 29) which are in contact with the handle 17. See Figs. 2 and 3 in Higashi. Higashi dose not expressly teach that the left grip 18 mounted on the handle 17 has the same escape portions as the right grip 20 mounted on the handle 17. However, it would have been obvious to one of ordinary skill in the art to provide the left grip 18 with the same structure (escape portions) as the right grip 20 since it is well known in the art to have the same structure for the grips on both side of a handle such as bicycles and motorcycles.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Higashi et al. (6,176,016) disclose an operation control lever unit for engine-powered working machine.

Zurbes et al. (5,645,370) disclose a vibration tamper.

Zurbes (6,019,179) discloses a vibration tamper.

Hoff (4,226,021) discloses a shaft assembly lawn trimmer.

Katsuya (4,006,528) discloses a portable grass and bush cutter with brake and clutch.

Nakamura (4,745,872) discloses a handle device for jet-propelled small-sized boat.

Heywood et al. (5,926,960) disclose a hedge shears.

Foster (5,613,354) discloses a clearing apparatus carriage for clearing apparatus.

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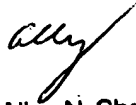
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (703) 305-4981.

The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (703) 305-1082. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9302 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

GA/ga

March 04, 2003



Allan N. Shoap
Supervisory Patent Examiner
Group 3700